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## Remarks

Claims 1-16 and 18-49 were pending in this application. Claims 1 and 24 have been amended, and no claims have been added or canceled.

Applicant wishes to thank the Examiner for extending the courtesy of a telephone interview, wherein agreement was reached regarding the allowability of claim 18 and its corresponding dependent claims. Reconsideration and reexamination of this application are respectfully requested in light of the above amendments and the following remarks.

### Rejection of Claims 14-16 Under 35 U.S.C. § 112

Claims 14-16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the application does not appear to disclose a container having opposed side and end walls integrally formed with a base frame. As discussed in the telephone interview, Applicant respectfully traverses this rejection, and directs the Examiner's attention to FIGS. 21-24 and p. 15, line 28 - p. 16, line 4 of the specification, where it is clearly disclosed that the container includes end walls and side walls which are integrally joined with the base and with each other. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 14-16 under 35 U.S.C. § 112.

### Rejection of Claims 1-9, 14-16, 18-23, and 34-36 Under 35 U.S.C. § 102(b) over Fordon

Claims 1-9, 14-16, 18-23 (*now claims 18-22*), and 34-36 (*now claims 33-35*) have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,395,542 issued to Fordon ("Fordon"). With reference to claim 1, Applicant has amended this claim to more particularly point out and distinctly claim the subject matter of the invention.

As discussed during the telephone interview, claim 1 has been amended to recite that the container includes "a compartment area which is arranged to removably receive the

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inner receptacle therein *without requiring securing means*" (emphasis added). This feature of Applicant's invention is neither disclosed nor suggested by Fordon. Rather, Fordon discloses a container wherein the side wall frames 9 and the end wall frames 13 include downwardly facing channels 32 required to receive the upper edges of separate side wall panels 29 and end wall panels 31, respectively. Panels 29, 31 along with bottom 30 are not of unitary construction and do not form an inner receptacle that is removably received by the container without requiring securing means as in Applicant's claimed invention. In fact, until panels 29, 30, 31 are secured to frames 9, 13 to form the walls of Fordon's container, they are not capable of holding anything.

Therefore, in view of the foregoing remarks, Applicant believes that claim 1, as amended, overcomes the Examiner's rejection thereof under 35 U.S.C. § 102(b) over Fordon. Accordingly, reconsideration and withdrawal of the rejection of claim 1 and corresponding dependent claims 2-9 is respectfully requested.

With reference to claim 33, Applicant respectfully traverses the Examiner's rejection thereof under 35 U.S.C. § 102(b) over Fordon. In claim 33, Applicant recites "an inner receptacle of unitary construction which is arranged to hold merchandise therein, wherein the inner receptacle is removably received within the compartment area." An inner receptacle of unitary construction is neither disclosed or suggested by Fordon, who instead discloses separate side wall panels 29, end wall panels 31, and bottom 30. Importantly, Fordon's panels 29, 31 must necessarily be separable since panels 29, 31 remain affixed to their respective side and end wall frames 9, 13 when the frames 9, 13 are rotated outwardly for nesting of like containers (see Fordon, FIGS. 5 and 6).

Accordingly, Applicant believes that claim 33 is patentably distinguishable over Fordon, and respectfully requests reconsideration and withdrawal of the rejection of claim 33 and corresponding dependent claims 34-35 under 35 U.S.C. § 102(b).

Turning now to claim 14, Applicant also respectfully traverses the rejection of this claim under 35 U.S.C. § 102(b) over Fordon. Claim 14 recites "a second pair of opposed

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walls integrally formed with and extending upwardly from the peripheral frame portion *and* integrally formed with the first pair of opposed walls" (*see* FIGS. 21-24; emphasis added). Conversely, the side and end frame members of Fordon's container are not integrally formed, but rather comprise separate members which are necessarily separable as described above with reference to claim 33. Therefore, claim 14 is believed to be patentably distinguishable over Fordon, and Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim and its corresponding dependent claims under 35 U.S.C. § 102(b).

Lastly, with reference to claim 18, Applicant respectfully traverses the rejection over Fordon, since Fordon does not disclose or suggest "a base member adapted to be received on the peripheral frame portion for supporting a lower portion of the inner receptacle, the base member including an exterior ring and a lightweight support material affixed thereacross." Therefore, claim 18 is believed to be patentably distinguishable over Fordon, and Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim and corresponding dependent claims 19-23 over Fordon.

**Rejection of Claims 10-13, 24-33, and 40-48**  
**Under 35 U.S.C. § 103(a) over Fordon in view of Overholt**

Claims 10-13, 24-33 (*now claims 23-32*), and 40-48 (*now claims 39-47*) have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fordon in view of U.S. Patent No. 6,015,056 issued to Overholt et al. ("Overholt"). In response, Applicant has amended independent claim 24 to more particularly point out and distinctly claim the subject matter of the invention.

Similar to claim 1, claim 24 has been amended to recite that the container includes "a compartment area which is arranged to removably receive the inner receptacle therein without requiring securing means," a feature which is neither disclosed nor suggested by Fordon as explained above. Likewise this feature is not disclosed or suggested by Overholt, such that these references cannot be properly combined to achieve Applicant's claimed invention. Accordingly, Applicant respectfully requests that the rejection of claim 24 and its corresponding dependent claims under 35 U.S.C. § 103(a) be withdrawn.

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Claims 10-13 depend from and contain all the limitations of independent claim 1. Claim 23 depends from and contains all the limitations of independent claim 18. Claims 39-49 depend from and contain all the limitations of independent claim 33. For the reasons stated above, claims 1, 18, and 33 are all believed to be patentably distinguishable over Fordon, either alone or in combination with Overholt. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 10-13, 23, and 39-49 under 35 U.S.C. § 103(a).

**Rejection of Claims 37-39**  
**Under 35 U.S.C. § 103(a) over Fordon**

Claims 37-39 (*now claims 36-38*) have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fordon. Claims 36-38 depend from and contain all the limitations of independent claim 33 which, for the reasons stated above, is believed to be patentably distinguishable over Fordon. Accordingly, Applicant respectfully requests that the rejection of claims 36-38 under 35 U.S.C. § 103(a) be withdrawn.

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**Conclusion**

In summary, Applicant believes that the claims, as amended, now meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Please charge the \$110.00 Petition fee, as well as any additional fees or credit any overpayments as a result of the filing of this paper, to our Deposit Account No. 02-3978.

Respectfully submitted,

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Attachment

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1 and 24 have been amended as follows:

1. (Twice Amended) A container adapted to receive an inner receptacle of unitary construction, the container comprising:

a base for supporting a lower portion of the inner receptacle, the base including a peripheral frame portion defining at least one relatively large opening therebetween;

a first pair of opposed walls extending upwardly from the peripheral frame portion; and

a second pair of opposed walls extending upwardly from the peripheral frame portion and attached to the first pair of opposed walls, wherein the first and second pairs of opposed walls and the base define a compartment area [for] which is arranged to removably [receiving] receive the inner receptacle therein without requiring securing means.

24. (Twice Amended) A collapsible container adapted to receive an inner receptacle of unitary construction, the container comprising:

a base for supporting a lower portion of the inner receptacle, the base having a peripheral frame portion defining at least one relatively large opening therebetween;

a first pair of opposed walls pivotably attached to the peripheral frame portion and movable between an assembled position and a collapsed position; and

a second pair of opposed walls pivotably attached to the peripheral frame portion and movable between an assembled position and a collapsed position, each of the second pair of opposed walls releasably attached to an adjacent one of the first pair of opposed walls in the assembled position, wherein orienting the first and second pairs of opposed walls in the assembled position defines a compartment area [for] which is arranged to removably [receiving] receive the inner receptacle therein without requiring securing means.